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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,853	06/20/2003	Thomas Lich	10191/3107	8481
26646	7590	10/29/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			BEAULIEU, YONEL	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/600,853

**Applicant(s)**

LICH ET AL.

**Examiner**

Yonel Beaulieu

**Art Unit**

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

The Examiner acknowledges the addition of claims 9 – 19. Claims 1 – 19 are now pending.

***Response to Arguments***

Applicant's arguments filed on 20 September 2004 have been fully considered but they are not persuasive.

Regarding applicant's argument about the drawings, the objection noted in the last Office Action has been vacated.

Regarding the arguments with respect to claim 1 (paragraph bridging pages 6-7 [REMARKS]), the Examiner maintains the Stride reference does satisfy what is prescribed in § 102. The Stride reference does suggest the provision of two sensors, one being a non-pedestrian-impact sensor and the other being a pedestrian-impact sensor, as claimed (note Stride's col. 1: 20 – 35 at least).

The arguments with regard to claims 5, 6 and 8 have been considered but the Examiner's position differs from that of Applicant because the argued critical features (with regard to claim 1) are taught by the primary reference.

For at least the above reasons, it is believed the rejection is proper and is hereby maintained. The newly added claims will also be addressed in the following rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 4, 7 – 10, 14, 15, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Stride (US 6,212,456 B1).

Regarding claims 1, 3, 7, and 8, Stride teaches a system for triggering at least one restraining device comprising at least one non-pedestrian- impact sensor and at least one pedestrian-impact sensor situated in the front bumper of a vehicle for transmitting respective signal (col. 1: 20 – 35 at least) and a processor (14) for receiving the signals and adapted to trigger the at least one restraining device as a function of the signals (col. 1: 28 – 35; summary; col. 3: 62 – col. 4: 14 at least).

Regarding claim 2, the processor (14) determines a crash type and crash severity for triggering device 16 (see figs. 5A – 5C; col. 3: 65 – col. 4: 14 at least).

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Regarding claim 4, Stride teaches the pedestrian-impact sensor being situated in a front bumper of a vehicle (col. 3: 27 – 47).

Regarding claims 9 and 10, Stride further teaches a deformation/pressure sensor (changes in cushion pattern; col. 2: 44 – 51 at least).

Regarding claims 14, 15, and 19, Stride's system further includes an airbag, restraining device triggered in a gradual manner (col. 3: 62 – col. 4: 14 at least).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 12, 13, 16 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stride ('456) as applied to claim 1 above, and further in view of Breed (US 6,749,218 B2).

As discussed above, Stride teaches all of the limitations except for the impact sensor situated in a rear bumper of a vehicle (cl. 5) and the inclusion of an optical sensor and video sensor (cl. 12 and 18).

However, Breed teaches, in the same field of endeavor of triggering a restraining device, a pedestrian-impact sensor situated in a rear bumper of vehicle (abstract; figs. 14A – 16B; col. 20: 44 – 67 at least) and the inclusion of an optical/video sensor (col. 2: 66-col. 3: 6; col. 12: 16 – 22 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Stride's system by including a pedestrian-impact sensor situated in a rear bumper of vehicle and the inclusion of an optical/video sensor as evidenced by Breed in order to enhance system's safety.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stride ('456) as applied to claim 1 and further in view of Stierle et al. (US 6,513,831 B2).

As discussed above, Stride teaches all of the limitations of claim 1 except for the system configuring the sensor as a side-impact sensor including a peripheral sensor.

However, Stierle et al. teaches, in the same field of endeavor of a system triggering at least one restraining device, configuring the system's sensor as a side-impact sensor including a peripheral sensor (col. 2: 32 – 52 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Stride's teaching by including a side-impact sensor including

a peripheral sensor as evidenced by Stierle et al. in order to enhance safety of the system in the event of a crash.

As for claims 13, 16, and 17, placing the impact sensor in a trim molding of the vehicle or extending it across an entire side of the vehicle and triggering the restraining device based on weight would only involve routine skill in the art.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

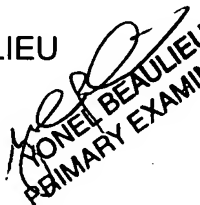
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. BEAULIEU  
AU 3661

  
YONEL BEAULIEU  
PRIMARY EXAMINER